

(b) *Adoption of Maps:* The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study and Wave Height Analysis for Monroe County, Florida, Unincorporated Areas, dated October 17, 1989, or the most current official maps approved by FEMA, with accompanying maps and other supporting data, and any revisions thereof, are adopted by reference and declared to be a part of this division, and shall be kept on file, available to the public, in the offices of the county planning development.

(c) *Rules for Interpreting Flood Hazard Issues:* The boundaries of the flood hazard areas shown on the official flood insurance rate maps may be determined by scaling distances. Required interpretations of those maps for precise locations of such boundaries shall be made by the Floodplain Administrator, in consultation with the building official. In interpreting other provisions of this division, the building official shall be guided by the current edition of FEMA's 44 CFR, and FEMA's interpretive letters, policy statements and technical bulletins as adopted by resolution from time to time by the board of county commissioners. Additionally, the building official shall also obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, and other developments meet the criteria required in the appropriate flood zone.

Sec. 9.5-316.2. Permit requirements.

(a) The county building official shall require building permits for all proposed construction or other improvements within areas of special flood hazard. In addition to the standard requirements for a building permit, an application for a building permit for construction or improvements within areas of special flood hazard shall contain the information and certifications set forth in a form provided by the director of planning.

(b) All building foundations shall rest directly on natural rock, on piling driven to rock or on friction piling and shall be anchored to such rock support by holes, sixteen (16) inches in minimum diameter, augured into said rock a minimum depth of three (3) feet and reinforced by a minimum of four (4) number 4 vertical rods extending up into the piers above a minimum of eighteen (18) inches and tied to the vertical steel of the pier.¹

(c) The developer shall provide a floor elevation after the lowest floor is completed or, in instances where the structure is subject to the regulations applicable to coastal high-hazard areas, after placement of the lowest horizontal structural members of the lowest floor. Floodproofing certification shall be provided prior to a certificate of occupancy or prior to final inspection.

(d) Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or upon placement of the lowest horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building official a certification of the elevation of the lowest floor or the lowest portion of the lowest horizontal structural members of the lowest floor, whichever is applicable, as built in relation to mean sea level. Such certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional

¹ This section moved from deleted section 6-16.1 (7) 1302.9 footings and foundations.

engineer or architect and certified by same. Any work done within the twenty-one-day period and prior to submission of the certification shall be at the permit holder's risk. The building official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby shall be causes to issue a stop-work order for the project.

(e) *Warning and Disclaimer of Liability:* The degree of flood protection required in this division is reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This division shall not create liability on the part of Monroe County or any officer or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made thereunder.

(f) *Definitions:* The words and phrases used in this division shall have the meanings prescribed in this chapter, except as otherwise indicated as follows:

*Alteration means any change or modification in construction type, materials, or occupancy.*²

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Enclosure means that portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls and used solely for limited storage, parking or entryways. Enclosures shall not be constructed, equipped or used for habitational purposes.

Existing Construction means structures for which the start of construction commenced before the effective date of the floodplain management regulations adopted by the community January 1, 1975. Existing construction is also known as pre-FIRM structures.

*Existing Manufactured Home Park means a manufactured home park or subdivision for which the construction of facilities for servicing the lots, the construction of the streets, and either final site grading or the pouring of concrete pads is completed before the effective date of the floodplain management regulations adopted by the community January 1, 1975 and in which, at the time of application, there are no site built residences or the park or subdivision is limited to manufactured homes by this chapter.*³

² Clarifies "alteration to existing enclosure" pursuant to sec.9.5-317(b)(1)d.(i).

³ Adds language consistent with CFR44 definition.

Finishing Materials means anything beyond basic wall construction pursuant to FEMA Technical Bulletin 2-93, which⁴ is normally associated with habitable space. Finishing materials include but are not limited to ceiling mold, trim, baseboards, decorative finish work, wainscoting, and textured woods.

Limited Storage means the storage of items not subject to damage by water or exposure to the elements such as lawn mowers, rakes, wheelbarrows and similar outdoor equipment. Limited storage does not apply to household items, indoor furniture, personal property, tools or other equipment vulnerable to damage by floodwaters.

Manufactured Home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

~~For the purpose of this division, "market value" shall be the Monroe County Property Appraiser's depreciated value of the structure plus twenty (20) percent. The use of a cost approach appraisal for determination of market value may be used, if such cost approach appraisal is prepared by a certified professional and such cost approach appraisal is submitted to and approved by the Construction Board of Adjustment and Appeals. Market Value means the Monroe County Property Appraiser's depreciated value of the structure plus twenty (20) percent. A cost approach appraisal for determination of market value submitted by the applicant may be used if the County Building Official considers such cost approach appraisal consistent with local construction costs. Where a cost approach appraisal is not accepted by the staff because it appears to be inconsistent with local construction costs an applicant may request review by an independent third party appraiser duly authorized by the County. The cost of independent review shall be borne by the applicant. The reviewing appraiser shall determine if the appraisal value cost approach reasonably reflects an appropriate value of the structure. The independent appraiser's determination shall be in writing. Professionals preparing a cost approach appraisal such individuals shall be required to possess certifications as State Certified Residential Appraisers for appraising one to four family residential properties and State Certified General Appraisers for all other properties including commercial and multi residential. Copies of all certified appraisals shall be forwarded to the office of the county property appraiser.⁶~~

New Construction means those structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by the community which is January 1, 1975. New construction is also known as post-FIRM structures.⁷

⁴ Adds language from Technical Bulletin 2-93 to clarify the difference between basic wall finish and finishes.

⁵ Adds language consistent with FEMA's policy letter on the "Intent of Storage" for clarification.

⁶ Market value is amended and moved from 9.5-316.1

⁷ To identify post FIRM construction consistent with CFR-44.

Nonconforming means a structure, improvement or other development authorized by benefit of a permit, which is not fully compliant with the terms of this division.⁸

Pure Manufactured Home Park means a Manufactured Home Park which at the time of application has no site-built residences or a park or subdivision which is limited to manufactured homes only by this chapter.⁹

Recreational Vehicle means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Start of Construction means (for other than new construction or substantial improvements under the Coastal Barrier Resources Act) the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date.¹⁰ For substantial improvements the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not the alteration affects the external dimensions of the building.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Damage of any origin includes but is not limited to demolition in preparation for improvements, deterioration due to lack of maintenance and repair and exposure to the elements and damage by acts of God.¹¹

Substantial Improvement means any repair, reconstruction, rehabilitation, addition, or other improvement the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not include either:

- (1) Any project for improvement to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by local code enforcement officials and which are the minimum necessary to assure safe conditions or;
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structures continued designation as a historic structure. Substantial improvements only apply to structures whose initial construction began prior to January 1, 1975 (pre-FIRM) or structures rendered

⁸ To differentiate improvements or uses authorized by benefit of a permit from those that are not.

⁹ To identify those parks eligible for placement of mobile homes on 36" reinforced piers.

¹⁰ To clarify the actual date a structure qualifies as pre-FIRM and post-FIRM.

¹¹ Moved from 9.5-4(S-19) and defined consistent with CFR 44 .

noncompliant to the elevation requirements because of a change in Flood Insurance Rate Maps (FIRMs).

Violation means a structure, use or other development or improvement commenced without benefit of a permit.¹²

Section 2. Section 9.5-317, Monroe County Code, is amended to read as follows (additions and deletions shown in an underline and strikethrough format):

Sec. 9.5-317. Standards for issuance of building permits in areas of special flood hazards.

(a) Generally: No building permit for proposed construction within an area of special flood hazard shall be granted unless the proposed construction is in compliance with the standards set forth in this division. In all areas of special flood hazard, the following standards apply:

- (1) All new construction and substantial improvements shall be adequately anchored by pilings or columns to prevent flotation, collapse or lateral movement of the structure.
- (2) All applications deemed substantial or nonsubstantial must be approved by the floodplain administrator, director of growth management, or the building official/director.
- (3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) All new or replacement water supply systems shall be designed and constructed by methods and practices that minimize flood damage.
- (6) All new or replacement sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters. Joints between sewer drain components shall be sealed with caulking, plastic or rubber gaskets, and all manhole covers shall be sealed in a similar manner.
- (7) On-site waste disposal systems shall be located and constructed to minimize or eliminate damage to them and contamination from them during flooding.
- (8) Any alteration, repair, reconstruction or improvement to a structure which already is in compliance with the provisions of this division shall meet the requirements of new construction as contained in this division.

¹² To differentiate from non-conforming improvement or use.

- (9) Nonconforming uses and construction below elevated post-FIRM buildings may not be expanded or improved or repaired from damages of any origin.¹³
- (10) No manmade alteration of sand dunes, dune ridge, mangrove stands or wetlands shall be allowed which would increase potential flood damage.
- (11) All new construction shall be located landward of the reach of mean high tides.
- (12) All agreements for deed, purchase agreements, leases, or other contracts for sale or exchange of lots within areas of special flood hazard shall carry the following flood hazard warning prominently displayed on the document:

FLOOD HAZARD WARNING

This property may be subject to flooding. You should contact the county growth management division and obtain the latest information regarding flood elevations and restrictions on development before making use of this property.

(b) *Additional Standards:* In all areas of special flood hazard where base flood elevation data has been provided the following provisions are required:

(1) *Residential construction:*

- a. New construction or substantial improvement of any residential structure shall have the lowest floor for zones A1-30, AE and AH or bottom of the lowest supporting member for zones V1-30, VE or V elevated at or above the base flood elevation level.
- b. Electrical and mechanical equipment servicing an elevated structure must be elevated at or above the required base flood elevation. Elevators may be placed below the required base flood elevation, although the mechanical and electrical equipment serving the elevator must be elevated at or above the required base flood elevation.
- c. Sewer and storm drainage systems, which extend below the base flood elevation, shall be provided with automatic backflow prevention valves or devices installed at the point where the line passes an exterior wall or slab.
- d. Except as noted in paragraph 7 of this subsection (b), the space below the lowest floor of an elevated structure shall be used exclusively for parking of vehicles, elevators, limited storage or building access purposes. Such spaces may be enclosed under the following conditions:
 - (i) Except for enclosures that are enclosed with lattice or screen, new enclosures and the expansion or alteration of existing enclosures below or lateral to elevated buildings shall require a restrictive covenant in a form approved by the Planning Commission. Where an

¹³ Codifies conditions required by FEMA final rule for amnesty for previously permitted nonconforming uses.

existing enclosure is found to have unlawful improvements non-compliant with this division, a restrictive covenant shall also be required as a condition for the issuance of a permit to bring the enclosure into compliance. The restrictive covenant shall allow the County to conduct inspections of the subject enclosure to ensure compliance with this division at least once every four years or upon probable cause that a violation exists.¹⁴

- (ii) Walls of any enclosed area must be designed and constructed in a manner to prevent flotation, collapse and lateral movement of the structure.
- (iii) The walls of any enclosed area below the base flood elevation in zones A1-30, AH and AE on the community FIRM shall be provided with openings such as vents, louvers or automatic valves which permit the level of floodwaters within the enclosed area to match the rising and falling of floodwaters on the outside of the structure. A minimum of two (2) openings located on separate walls shall be provided having a minimum total net area of one (1) square inch for each square foot of enclosed area, where the enclosed area is calculated by outside dimensions. Openings shall be situated such that the bottom of each opening is no higher than one (1) foot above finished grade.
- (iv) Interior walls, ceilings and floors in enclosures ~~300 square feet or less used for entryways may be finished with an ACOE Regulations EP 1165-2-314 a class 4 or 5 exterior finish in accordance with FEMA Technical Bulletin 2-93. Interior walls, ceilings and floors in all other enclosed areas may be finished with an ACOE Regulations EP 1165-2-314 class 5 exterior finish in accordance with FEMA Technical Bulletin 2-93 if a deed restriction running with the land is provided. The deed restriction shall provide notice of prohibition of habitational uses below base flood elevation. Technical Bulletin 2-93 limits the finish to basic wall ceiling and floor construction.~~¹⁵[Language from Option 1 or 2 to be inserted here.]

OPTION 1: This is meant to exclude the use of materials and finishes normally associated with living areas constructed above base flood elevation.

OPTION 2: This is meant to exclude the use of materials and finishes normally associated with living areas constructed above base flood elevation from those areas of the enclosure located below the base flood elevation.

- (v) The interior portion of an enclosed area below an elevated building may not be partitioned except that garages may be separated from storage and entryway. In the event an existing enclosure is enlarged, the walls between the existing enclosure and the additional enclosure must be deleted. Enclosed areas below an elevated building and laterally attached enclosed areas below base flood

¹⁴ Amended pursuant to the revised implementation plan adopted by Resolution 187-2002.

¹⁵ To clarify confusion between finishing materials and basic wall finish pursuant to TB 2-93.

elevation must be void of utilities that would service the enclosure and cannot be temperature controlled. ^{16,17}

- (vi) Necessary electrical switches for required lighting circuits may be located below the base flood elevation provided they are of the outdoor water-resistant variety on a separate ground-fault protection circuit breaker and do not exceed the minimum number required by law. Except for one GFI, electrical receptacles shall not be located below the base flood elevation.
 - (vii) Walls constructed entirely of wood lattice work or screen mesh shall be considered as satisfying the requirements of subsections (ii) and (iii) above and b.(5) i.
 - (viii) The area enclosed below the base flood elevation shall not be used for human habitation.
 - (ix) Except as noted in (b)(1) b. and d. (vi) of this subsection or required by an applicable code no electrical, mechanical or plumbing may be located below the base flood elevation.
- (2) *Nonresidential construction:*

- a. New construction or substantial improvements of any commercial, industrial or other nonresidential structures within zones A1-30, AE and AH on the community's flood insurance rating map (FIRM) shall have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions contained herein. A record of such floodproofing certification which shall include the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to the building department. Wet floodproofing is not acceptable. New construction or cumulative substantial improvements of any commercial, industrial or other nonresidential structures within zones VI-30, VE or V shall have the lowest floor, including the basement, elevated to or above the base flood elevation.
- b. Enclosed areas below an elevated structure at grade elevation for nonresidential, commercial or industrial uses shall be permitted for limited storage or parking purposes provided that they are anchored to prevent flotation, collapse or lateral movement of the structure and do not

¹⁶ Clarifies this regulation as it applies to structures elevated on fill with attached below base flood elevation enclosures.

¹⁷ Amended to allow utilities such as hot water heaters servicing the elevated portion of the building to be placed within enclosures above BFE.

exceed three hundred (300) square feet of enclosed area and are in accordance with the requirements of subsection 9.5-317(b)(5)g. for V zones or subsection 9.5-317(b)(1)d.(i) through (ix) for A zones. Plans for such structure shall be submitted to the building official for approval prior to construction

(3) *Accessory structures:*

- a. *Residential accessory structures:* Any prefabricated light metal structure, which meets the following criteria, may be permitted in A or V-zones if:

- (i) The enclosed area is one hundred and fifty (150) square feet or less;
- ¹⁸(ii) The fair market value is five hundred dollars (\$500.00) or less;
- (iii) The use is limited to storage accessory to a residence; and
- (iv) The structure is properly anchored.

Accessory light metal structures which exceed the one hundred and fifty (150) square feet of enclosed space threshold or concrete or wood accessory structures built on site regardless of size or value may be permitted if they meet all of the criteria outlined in subsection 9.5-317(b)(1)d. of this division or for V zones the criteria set forth in subsection 9.5-317(b)(5) g. of this division.

- b. *Nonresidential accessory structures:* All nonresidential accessory structures, or enclosed areas, which meet the following criteria, may be permitted if:

- (i) The enclosed area is three hundred (300) square feet or less;
- (ii) The use is restricted to limited storage and parking only;
- (iii) They meet the breakaway wall standards outlined in subsection 9.5-317(b)(5) i. for V zones or the venting requirements outlined in 9.5-317(b)(1)d.(iii) for A zones;
- (iv) They meet the other requirements as outlined in subsection 9.5-317(b)(1) d; and ¹⁸
- (v) The structures are properly anchored.

Accessory structures in an A-zone which exceed the three hundred (300) square feet of enclosed space threshold may be permitted if they meet the flood-proofing criteria outlined in subsection 9.5-317(b)(2)a. of this division. Accessory structures in a V-zone which exceed the three hundred (300) square feet of enclosed space threshold, are strictly prohibited.

¹⁸ To be consistent but not repetitive with language in Section 9.5-317(b)(1)d.

(4) *Manufactured homes:*

- a. Effective June 1, 1977, no manufactured home not already in place shall be placed within areas of special flood hazard except in an existing manufactured home park or subdivision, as hereafter defined. In the event that the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision requirement of 44 C.F.R. 60.3(c)(12), then no manufactured home may be placed below the base flood elevation.
- b. A manufactured home that is to be placed on a qualified lot may be placed at an elevation below base flood elevation provided that:
 - (i) The lot on which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to and surrounded by manufactured homes not at base flood elevation.
 - (ii) The manufactured homes that are placed or substantially improved (for other than substantial damage due to a flood) on sites in existing manufactured home parks or subdivision in flood hazard areas shall be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above the grade at the site. A lower foundation system could be used if the top of the finished floor of the manufactured home or the bottom of the beam (for V zones) would be at or above the base flood elevation using such foundation.
 - (iii) All other foundations requiring elevation of the structure in order to meet the floodplain standards must comply with Section 9.5-316.2.(b), the provisions of subsection 9.5-317(b)(5) or Chapter 18 of the Florida Building Code whichever is applicable.
- c. No solid walled additions may be added to a manufactured home unless the addition is constructed under HUD (Department of Housing and Urban Development) standards and contains a HUD seal or the addition is elevated to or above the base flood elevation. Solid walled additions elevated to or above the base flood elevation must be constructed with fourth (4th) wall construction, or certified by an engineer or architect licensed by the State of Florida.¹⁹
- d. Screen rooms, open decks and porches may be added to a manufactured home provided the addition is structurally independent and constructed with fourth (4th) wall construction.
- e. All manufactured homes and State approved manufactured offices or construction trailers for temporary use shall be anchored to resist flotation, collapse and lateral movement by providing over-the-top and frame ties to ground anchors as provided for in the most current edition of the Florida Administrative Code 15.C

¹⁹ To be consistent with Section 380.8232 F.S.

f. An existing manufactured home which is damaged or otherwise in need of repair, reconstruction, improvement, or replacement the value of which meets or exceeds fifty (50) percent of the value of the manufactured home without the repair, reconstruction, improvement or replacement shall not be repaired, reconstructed, improved or replaced except by a manufactured home which meets the most recent standards promulgated by the Department of Housing and Urban Development in 24 C.F.R. 3280.308(C)(2) and, in addition, meets the standards set forth in subparagraphs b,c, and d of this subsection (b)(4), as applicable. For the purposes of determining the value of any replacement manufactured homes under this section, the purchase price, as expressed in an invoice from an arms length transaction, in a form acceptable to the building official, or using market value, as determined in section 9.5-316.2.(f), whichever is greater, shall control.

g. A manufactured home may be altered or modified by engineering standards more stringent than originally required if the manufactured home is elevated to or above the required base flood elevation.²⁰

(5) *Coastal high-hazard areas (V zones):* Within the areas of special flood hazard are areas designated as coastal high-hazard areas, which have special flood hazards associated with wave wash. The following provisions shall apply in these areas:

a. New construction or substantial improvements within zones V1-30, VE or V shall be elevated so that the bottom of the lowest horizontal supporting member (excluding pilings or columns) is located at or above the base flood elevation level, with the space below the lowest supporting member open or constructed with breakaway walls so as not to impede the flow of floodwaters. Breakaway walls may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with the provisions of subsection (b)(5) g., h. and i.

b. New construction or substantial improvements shall be securely anchored on pilings, columns or shear walls.

c. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by American Society of Civil Engineers (ASCE) Standard number 7. Where shear wall construction is used, the following conditions shall also apply:

(i) Shear walls shall be placed parallel to the predominant flow direction of floodwaters and spaced to provide adequate floodwater conveyance beneath the elevated floor;

(ii) Shear walls shall be constructed using reinforced concrete; and

²⁰ To allow a manufactured home to be modified to a stronger building code but not promote conversions below the required base flood elevation.

- (iii) Except for the placement of the parallel load-bearing walls, the space between the shear walls below the elevated floor shall remain free of obstruction or contain only breakaway wall construction.
 - d. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with the accepted standards of practice for meeting the provisions of paragraphs a, b and c of this subsection (b)(5).
 - e. There shall be no fill used as structural support.
 - f. Nonstructural fill shall not be placed in a V-zone except with an approved hydrological analysis.²¹
 - g. If any space below the base flood elevation level is to be enclosed, such enclosed areas shall not be used for human habitation and must meet the provision of section 9.5-317(b)(1) d. (i) and (iv) through (ix) and 9.5-317 (b)(5) i.
 - h. Prior to construction, plans for any structure that will have enclosed space below the base flood elevation level shall be submitted to the building official or his designee for approval.
 - i. Walls and partitions other than parallel shear walls shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed to break away under the impact of abnormally high tides or wind-driven water without damage to the structural integrity of the building on which they are to be used, and ~~provided the following design specifications are met: that~~ A design load limit of not less than ten (10) and no more than twenty (20) pounds per square foot shall be used as the safe load range for breakaway walls.
 - j. Compliance with the provisions contained in subsection i. shall be certified by a registered professional engineer or architect.
 - k. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the base flood elevation level except as provided for in paragraphs g. and i. of this subsection (b)(5).
 - l. No manmade alteration of mangroves or beach berm system shall be permitted which will increase the potential for flood damage.
- (6) No basement shall be constructed in the county until such time as a variance is granted to the county under the terms of 44 C.F.R. 60.6(b).
 - (7) No enclosure below the base flood elevation shall be constructed or equipped for such uses as a kitchen, dining room, family room, recreation room, office, bedroom, bathroom or workshop. This prohibition does not apply to new improvements which are not substantial to post FIRM structures rendered noncompliant by amendments to the flood insurance rate map as

²¹ To clarify circumstances under which fill may be placed in a V-zone pursuant to (d) and (e) of Purpose and Intent.

long as the improvement is at the same elevation the structure was originally built to; ground level structures whose initial construction began prior to January 1, 1975; and those structures which are listed on the National Register of Historic Places, the Florida Inventory of Historic Places or any inventory of local historic places.

- (8) In no event shall a below base flood elevation variance be necessary for improvements to an existing structure whose initial construction began prior to December 31, 1974, or to a legally placed manufactured home when the improvements are not substantial.
- (9) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE, V-130 V and VE on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use; or
 - b. Meet the permit requirements of subsection 9.5-317(b)(4).

A recreational vehicle is ready for highway use if it is on its wheels or internal jacking system, designed to be self propelled or permanently towable by a light duty truck, is attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached additions.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or the Administration Commission approving this ordinance.

Section 6. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a meeting of the Board held on the _____ day of _____, A.D., 2003.

Mayor Dixie Spehar
Mayor Pro Tem Murray Nelson
Commissioner Charles "Sonny" McCoy
Commissioner George Neugent
Commissioner David P. Rice

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
MAYOR/CHAIRPERSON

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

